

Issued by the
UNITED STATES DISTRICT COURT

Northern
UNIVERSAL CITY STUDIOS, INC., et al., DISTRICT OF California

Plaintiffs,

V.

SHAWN C. REIMERDES, et al.,

Defendants.

SUBPOENA IN A CIVIL CASE

CASE NUMBER: 00 Civ. 0277 (LAK)
(In the Southern District
of New York)

TO: Chris DiBona
1334 Holly Ave.
Los Altos, CA 94024

☐ YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY

COURTROOM

DATE AND TIME

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

United States Courthouse
Northern District of California
450 Golden Gate Ave., San Francisco, CA 94102

DATE AND TIME

June 26, 2000
2:00 p.m.

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

See schedule A attached.

PLACE

United States Courthouse
Northern District of California
450 Golden Gate Ave., San Francisco, CA 94102

DATE AND TIME

June 26, 2000
10:00 a.m.

☐ YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorney for Plaintiffs

DATE

June 21, 2000

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

William Hart, Esq., (212) 969-3095
Proskauer Rose LLP, 1585 Broadway, New York, New York 10036

¹ If action is pending in district other than district of issuance, state district under case number



SCHEDULE A

DEFINITIONS

- A. Southern District of New York Local Civil Rule 26.3 governing Uniform Definitions in Discovery Requests is incorporated herein by reference, and all terms used herein shall be defined as set forth and construed therein, except where otherwise expressly indicated.
- B. "2600" shall mean the defendant, 2600 Enterprises, Inc. a/k/a "2600 Magazine," its predecessors and successors, its present or former officers, employees, directors, representatives, agents, attorneys and assigns, and its affiliates, subsidiaries, parent or controlling corporations and their affiliates and subsidiaries, or any entity through which it conducts business, either alone or jointly with others.
- C. The "2600.com Site" shall refer to the web site operated by Defendants at <http://www.2600.com>, or any other site owned or operated by the Defendants, including all subdirectories and all pages and files presently or previously available for viewing or download at the site.
- D. The "2600 Organizations" shall refer to any and all organizations of "hackers," other than Defendants, adopting the word "2600" as part of their name.
- E. "2600, The Hacker Quarterly" shall refer to the print magazine published by Defendants.
- F. "Communicate," "communicated," or "communication" means any act or instance of transferring, transmitting, passing, delivering or giving information, in the form of facts, ideas, inquiries, or otherwise, by oral, written, electronic, or any other means.

- G. The "**Connecticut Action**" shall refer to the action entitled *Universal City Studios, Inc., et al. v. Hughes*, filed in the United States District Court for the District of Connecticut on January 14, 2000, Case Number 300CV72 RNC.
- H. "**Corley**" shall mean the defendant, Eric Corley a/k/a "Emmanuel Goldstein".
- I. "**CSS**" shall mean the proprietary copy protection and access control system developed by Matsushita Electric Industrial Co., Ltd. and Toshiba Corporation, known as the Contents Scramble System.
- J. "**DeCSS**" shall mean the DVD decryption utility commonly known as DeCSS which has the purpose and function of circumventing CSS or the protection afforded by CSS, and shall include both the compiled object code and source code of DeCSS.
- K. "**Defendants**" shall mean Eric Corley a/k/a "Emmanuel Goldstein" ("Corley") and 2600 Enterprises, Inc. a/k/a "2600 Magazine" ("2600"), as defined herein.
- L. The term "**document**" is used herein in the broadest possible sense and shall mean any written, graphic or other recorded (whether visually, electronically, magnetically or otherwise) matter of whatever kind or nature or any other means of preserving thought or expression and all tangible things from which information can be processed, transcribed or retrieved, whether originals, copies or drafts (including, without limitation, nonidentical copies), however produced or reproduced (including but not limited to audiotapes, videotapes, CD-ROMs, e-mails, and computer files). A document with handwritten, typewritten or other recorded notes, editing marks, etc., is not and shall not be deemed identical to one without such modifications, additions, or deletions. The term "original" includes the file copy or copies of any document if there is no actual original or

ribbon copy. Designated documents shall mean originals in each instance (or copies thereof if originals are unavailable), regardless of origin or location, which are in your possession, custody, or control, or in the possession, custody, or control of your agents, representatives, employees, or counsel, and any copies or reproductions that differ in any respect from the original, such as copies containing marginal notations or other variations. Designated documents are to be taken as including all attachments, exhibits, enclosures, appendices and other documents that relate to or refer to such designated documents. The enumeration of various specific items as included within the definition of the word "document" shall not be taken to limit the generality of this word, and the requests herein are directed and intended to obtain all "documents" in the broadest and most comprehensive sense and meaning of this word.

- M. "Hyperlink" shall mean software instructions which, when executed, cause a signal to be sent to another location where data or material can be retrieved for viewing, copying or further transmission.
- N. "Motion Pictures" shall mean any cinematographic works released on DVD in which Plaintiffs hold a copyright interest.
- O. The "MPAA" shall mean the Motion Picture Association of America and any of its members, including each of the Plaintiffs.
- P. The "Norway Action" shall mean any investigation, criminal prosecution or civil action commenced or contemplated by the government of Norway concerning CSS, DeCSS, or any efforts to circumvent the encryption of DVDs.

- Q. **"Person"** or **"persons"** shall mean individuals, corporations, proprietorships, partnerships, firms, associations, joint ventures, banks, any government or governmental bodies, commissions, boards or agencies, and all other legal entities, and if appropriate or indicated, divisions, subsidiaries or departments of corporations or other entities, and their principals, agents, representatives, officers or employees.
- R. **"Plaintiffs"** shall mean Universal City Studios, Inc.; Paramount Pictures Corporation; Metro-Goldwyn-Mayer Studios Inc.; TriStar Pictures, Inc.; Columbia Pictures Industries, Inc.; Time Warner Entertainment Co., L.P.; Disney Enterprises, Inc.; and Twentieth Century Fox Film Corporation, and shall include their agents, representatives, attorneys, and all persons acting on their behalf.
- S. The **"Santa Clara Action"** shall refer to the action entitled *DVD Copy Control Association, Inc. v. McLaughlin, et al.*, filed in the Superior Court of California, Santa Clara County, on December 27, 1999, Case Number CV 786804.
- T. The **"Declaration"** shall refer to the Declaration of Chris DiBona In Opposition to Plaintiffs' Motion To Modify the Preliminary Injunction And In Support of Defendants' Cross-Motion To Vacate the Preliminary Injunction, dated May 1, 2000.

INSTRUCTIONS

A. You shall respond to each of the following requests in full to the best of your ability and shall specify which documents and things are responsive to each individual request.

B. Documents shall be provided in the form in which they are normally kept. All documents that consist of or contain information in electronic or digital form, however, shall

be provided on one or more 3.5-inch floppy disks, digital audio tapes ("DATs"), Zip or Jazz cartridges, DVDs, or CD-ROMs unless agreed otherwise.

C. If any responsive document is withheld under a claim of privilege, or for any other reason, you are requested to provide the information set forth in FRCP 26(b)(5) and Southern District of New York Local Rule 26.2 in connection with any such claim.

D. In producing these documents, you are requested to furnish all documents known or available to you, including all documents in your custody or control, or in the custody or control of your officers, directors, agents, employees, representatives, consultants, investigators, or their attorneys or their agents, employees, representatives or investigators.

E. If a document is responsive to a request for production and is in your control, but not in your possession or custody, identify the person with possession or custody.

F. In the event that any document called for by this request has been destroyed or discarded, that document should be identified by (i) any addressor or addressee; (ii) any indicated or blind copies; (iii) the document's date, subject matter, number of pages, and any attachments or appendices, (iv) its date of destruction or discard, and the reason for same; (v) if destroyed or discarded, the persons responsible for carrying out such destruction or discard; and (vi) whether any copies of the document presently exist, and if so, in whose possession.

G. In the event a document is not produced on grounds other than privilege, state the type of document, date, author or addressor, addressee of all copies, recipients of all copies, title, the present location or address of the custodian of all copies, the substance of the content thereof, and state the reasons for its non-production.

H. This request for production shall be deemed continuing, and requires further supplemental production if you receive or discover additional documents after responding to this request.

REQUESTS FOR PRODUCTION

1. All documents within your possession, custody or control concerning DeCSS.
2. All documents reflecting how you first became aware of the existence of DeCSS.
3. All documents concerning your use of DeCSS.
4. All documents concerning any other person's use of DeCSS.
5. All documents concerning the use of DeCSS by any person for purposes other than to decrypt a DVD, including but not limited to, any documents concerning the use of DeCSS for research, study or reverse-engineering.
6. All documents concerning internet locations where DeCSS is, or was, available.
7. All documents concerning communications relating to internet locations where DeCSS is, or was, available.

8. All documents concerning any efforts to encourage or solicit any person to make DeCSS available on the internet.

9. All documents concerning communications sent to, or received from, any person concerning the MPAA, CSS, DeCSS, this litigation, the Connecticut Action, the Santa Clara Action, or the Norway Action, including but not limited to e-mail communications and archived discussions in "chat rooms" or any other electronic forum.

10. All documents concerning the Declaration, including all drafts of the Declaration, all notes and correspondence relating to the Declaration, and all documents reviewed in connection with its preparation.

11. All documents concerning, demonstrating, supporting, or detracting from, any statement in the Declaration.

12. All documents concerning communications between or among you and any parties to this action, including but not limited to, communications with defendants' counsel.

13. All documents concerning communications between or among you and any owners, employees, agents, parents, subsidiaries, and/or other individuals associated with the 2600 Organizations, concerning the MPAA, CSS, DeCSS, this litigation, the Connecticut Action, the Santa Clara Action, or the Norway Action.

14. All documents that you may rely on if you are called as a witness at trial in this action.

15. All documents reviewed in preparation for your deposition in this action.
16. All documents concerning encryption, security or other access- or copy-control systems that have been hacked, cracked or reverse-engineered.
17. All documents reflecting communications concerning encryption, security or other access- or copy-control systems that have been hacked, cracked or reverse-engineered.
18. A list of all publications that you authored in the past ten years.
19. Copies of all publications that you authored relating to any statements in the Declaration, or otherwise relating to this action.
20. All documents concerning compensation that you received or will receive in connection with this action, including, but not limited to, compensation for the preparation of the Declaration or for appearing at a deposition or trial.
21. A list of all other legal proceedings in which you have testified as an expert at trial or by deposition.
22. All documents concerning any incidents in which you have been accused of violating any person's intellectual property rights.
23. All documents concerning technology for the compression of video signals.

24. All documents concerning statements you have made to the press or media relating to copyrights, intellectual property rights, or free access to copyrighted materials, including, but not limited to, all reports, articles and publications containing your statements on these subjects.

25. All documents concerning the feasibility of transmitting video on the internet.

26. All documents concerning the trafficking or feasibility of trafficking of movies on the internet.

